

# Senate File 473 - Introduced

SENATE FILE \_\_\_\_\_  
BY HARTSUCH, JOHNSON, BEHN,  
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and BOETTGER

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the carrying of weapons.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 1922XS 83  
4 rh/rj/5

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1 1 Section 1. Section 80A.13, Code 2009, is amended to read  
1 2 as follows:  
1 3 80A.13 CAMPUS WEAPON REQUIREMENTS.  
1 4 An individual employed by a college or university, or by a  
1 5 private security business holding a contract with a college or  
1 6 university, who performs private security duties on a college  
1 7 or university campus and who carries a weapon while performing  
1 8 these duties shall ~~meet all of the following requirements:~~  
1 9 ~~1. File with the sheriff of the county in which the campus~~  
1 10 ~~is located evidence that the individual has successfully~~  
1 11 ~~completed an approved firearms training program under section~~  
1 12 ~~724.9. This requirement does not apply to armored car~~  
1 13 ~~personnel.~~  
1 14 ~~2. Possess a permit to carry weapons issued by the sheriff~~  
1 15 ~~of the county in which the campus is located under sections~~  
1 16 ~~724.6 through 724.11. This requirement does not apply to~~  
1 17 ~~armored car personnel.~~  
1 18 ~~3. File file with the sheriff of the county in which the~~  
1 19 ~~campus is located a sworn affidavit from the employer~~  
1 20 ~~outlining the nature of the duties to be performed and~~  
1 21 ~~justification of the need to go armed.~~  
1 22 Sec. 2. Section 724.4, Code 2009, is amended to read as  
1 23 follows:  
1 24 724.4 CARRYING WEAPONS.  
1 25 1. ~~Except as otherwise provided in this section, a person~~  
1 26 ~~who goes armed with a dangerous weapon concealed on or about~~  
1 27 ~~the person, or who, within the limits of any city, goes armed~~  
1 28 ~~with a pistol or revolver, or any loaded firearm of any kind,~~  
1 29 ~~whether concealed or not, or who knowingly carries or~~  
1 30 ~~transports in a vehicle a pistol or revolver, commits an~~  
1 31 ~~aggravated misdemeanor. A person who goes armed with a~~  
1 32 ~~dangerous weapon with the intent to commit a crime of violence~~  
1 33 ~~commits a class "D" felony. This subsection applies~~  
1 34 ~~regardless of whether the dangerous weapon is concealed or not~~  
1 35 ~~concealed on or about the person and regardless of whether the~~  
2 1 ~~dangerous weapon is transported in a vehicle. For purposes of~~  
2 2 ~~this subsection, "crime of violence" means a felony which has,~~  
2 3 ~~as an element of the offense, the use of physical force by one~~  
2 4 ~~person against another person.~~  
2 5 2. A person who goes armed with a knife concealed on or  
2 6 about the person, if the person uses the knife in the  
2 7 commission of a crime, commits an aggravated misdemeanor.  
2 8 3. A person who goes armed with a knife concealed on or  
2 9 about the person, if the person does not use the knife in the  
2 10 commission of a crime:  
2 11 a. If the knife has a blade exceeding eight inches in  
2 12 length, commits an aggravated misdemeanor.  
2 13 b. If the knife has a blade exceeding five inches but not  
2 14 exceeding eight inches in length, commits a serious  
2 15 misdemeanor.  
2 16 4. ~~Subsections 1 through 3 do~~ Subsection 3 does not apply

2 17 to any of the following:

2 18 a. A person who goes armed with a dangerous weapon in the

2 19 person's own dwelling or place of business, or on land owned

2 20 or possessed by the person.

2 21 b. A peace officer, when the officer's duties require the

2 22 person to carry such weapons.

2 23 ~~c. A member of the armed forces of the United States or of~~

2 24 ~~the national guard or person in the service of the United~~

2 25 ~~States, when the weapons are carried in connection with the~~

2 26 ~~person's duties as such.~~

2 27 ~~d. A correctional officer, when the officer's duties~~

2 28 ~~require, serving under the authority of the Iowa department of~~

2 29 ~~corrections.~~

2 30 ~~e. c. A person who for any lawful purpose carries an~~

2 31 ~~unloaded pistol, revolver, or other dangerous weapon inside a~~

2 32 ~~closed and fastened container or securely wrapped package~~

2 33 ~~which is too large to be concealed on the person.~~

2 34 ~~f. A person who for any lawful purpose carries or~~

2 35 ~~transports an unloaded pistol or revolver in a vehicle inside~~

3 1 ~~a closed and fastened container or securely wrapped package~~

3 2 ~~which is too large to be concealed on the person or inside a~~

3 3 ~~cargo or luggage compartment where the pistol or revolver will~~

3 4 ~~not be readily accessible to any person riding in the vehicle~~

3 5 ~~or common carrier.~~

3 6 ~~g. A person while the person is lawfully engaged in target~~

3 7 ~~practice on a range designed for that purpose or while~~

3 8 ~~actually engaged in lawful hunting.~~

3 9 ~~h. d. A person who carries a knife used in hunting or~~

3 10 ~~fishing, while actually engaged in lawful hunting or fishing.~~

3 11 ~~i. A person who has in the person's possession and who~~

3 12 ~~displays to a peace officer on demand a valid permit to carry~~

3 13 ~~weapons which has been issued to the person, and whose conduct~~

3 14 ~~is within the limits of that permit. A person shall not be~~

3 15 ~~convicted of a violation of this section if the person~~

3 16 ~~produces at the person's trial a permit to carry weapons which~~

3 17 ~~was valid at the time of the alleged offense and which would~~

3 18 ~~have brought the person's conduct within this exception if the~~

3 19 ~~permit had been produced at the time of the alleged offense.~~

3 20 ~~j. e. A law enforcement officer from another state when~~

3 21 ~~the officer's duties require the officer to carry the weapon~~

3 22 ~~and the officer is in this state for any of the following~~

3 23 ~~reasons:~~

3 24 (1) The extradition or other lawful removal of a prisoner

3 25 from this state.

3 26 (2) Pursuit of a suspect in compliance with chapter 806.

3 27 (3) Activities in the capacity of a law enforcement

3 28 officer with the knowledge and consent of the chief of police

3 29 of the city or the sheriff of the county in which the

3 30 activities occur or of the commissioner of public safety.

3 31 ~~k. f. A person engaged in the business of transporting~~

3 32 ~~prisoners under a contract with the Iowa department of~~

3 33 ~~corrections or a county sheriff, a similar agency from another~~

3 34 ~~state, or the federal government.~~

3 35 Sec. 3. Section 724.4B, subsection 2, paragraph a, Code

4 1 2009, is amended to read as follows:

4 2 a. A person listed under section 724.4, subsection 4,

4 3 ~~paragraphs paragraph "b" through "f", "c", or "j" "e".~~

4 4 Sec. 4. Section 724.6, subsection 1, Code 2009, is amended

4 5 to read as follows:

4 6 1. A person ~~may be issued a permit to carry weapons when~~

4 7 ~~the person's employment who is employed~~ in a private

4 8 investigation business or private security business licensed

4 9 under chapter 80A, ~~or a person's employment~~ as a peace

4 10 officer, correctional officer, security guard, bank messenger

4 11 or other person transporting property of a value requiring

4 12 security, or in police work, whose employment reasonably

4 13 justifies that person going armed, shall be issued a

4 14 professional permit to carry weapons if the person applies for

4 15 the permit and meets the requirements of sections 724.8

4 16 through 724.10. The permit shall be on a form prescribed and

4 17 published by the commissioner of public safety, shall identify

4 18 the holder, and shall state the nature of the employment

4 19 requiring the holder to go armed. A permit so issued, other

4 20 than to a peace officer, shall authorize the person to whom it

4 21 is issued to go armed anywhere in the state, ~~only~~ while

4 22 engaged in the employment, and while going to and from the

4 23 place of the employment. A permit issued to a certified peace

4 24 officer shall authorize that peace officer to go armed

4 25 anywhere in the state at all times. Permits shall expire

4 26 ~~twelve months~~ five years after the date when issued except

4 27 that permits issued to peace officers and correctional

4 28 officers are valid through the officer's period of employment  
4 29 unless otherwise canceled. When the employment is terminated,  
4 30 the holder of the permit shall surrender it to the issuing  
4 31 officer for cancellation.

4 32 Sec. 5. Section 724.7, Code 2009, is amended to read as  
4 33 follows:

4 34 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

4 35 Any person ~~who can reasonably justify going armed may not~~  
5 1 ~~otherwise prohibited from possessing or transporting a firearm~~  
5 2 ~~and who meets the requirements in sections 724.8 through~~  
5 3 ~~724.10 shall be issued a nonprofessional permit to carry~~  
5 4 ~~weapons if the person applies for such permit.~~ Such permits  
5 5 shall be on a form prescribed and published by the  
5 6 commissioner of public safety, which shall be readily  
5 7 distinguishable from the professional permit, and shall  
5 8 identify the holder thereof, and state the reason for the  
5 9 issuance of the permit, ~~and the limits of the authority~~  
5 10 ~~granted by such permit.~~ All permits so issued shall be for a  
5 11 ~~definite five-year period as established by the issuing~~  
5 12 ~~officer, but in no event shall exceed a period of twelve~~  
5 13 ~~months.~~

5 14 Sec. 6. Section 724.8, subsection 5, Code 2009, is amended  
5 15 to read as follows:

5 16 5. The ~~issuing officer reasonably determines that the~~  
5 17 ~~applicant does not constitute a danger to any person person is~~  
5 18 ~~not otherwise prohibited by state or federal law from~~  
5 19 ~~possessing or transporting a firearm.~~

5 20 Sec. 7. Section 724.9, Code 2009, is amended to read as  
5 21 follows:

5 22 724.9 FIREARM TRAINING PROGRAM.

5 23 A training program to qualify persons in the safe use of  
5 24 firearms shall be provided by the issuing officer of permits,  
5 25 as provided in section 724.11. ~~The commissioner of public~~  
5 26 ~~safety shall approve the training program, and the county~~  
5 27 ~~sheriff or the commissioner of public safety conducting the~~  
5 28 ~~training program within their respective jurisdictions may~~  
5 29 ~~shall contract with a private organization or use the services~~  
5 30 ~~of other agencies, or may use a combination of the two, a~~  
5 31 ~~private individual or a professional organization who shall~~  
5 32 ~~conduct the training consistent with the standards set forth~~  
5 33 ~~by the national rifle association to provide such training.~~

5 34 Any person eligible to be issued a permit to carry weapons may  
5 35 enroll in such course. A fee sufficient to cover the cost of  
6 1 the program may be charged each person attending.  
6 2 Certificates of completion, on a form prescribed and published  
6 3 by the commissioner of public safety, shall be issued to each  
6 4 person who successfully completes the program. ~~No~~ A person  
6 5 shall ~~not~~ be issued either a professional or nonprofessional  
6 6 permit unless the person has received a certificate of  
6 7 completion or is a certified peace officer. ~~No peace officer~~  
6 8 ~~or correctional officer, except a certified peace officer,~~  
6 9 ~~shall go armed with a pistol or revolver unless the officer~~  
6 10 ~~has received a certificate of completion, provided that this~~  
6 11 ~~requirement shall not apply to persons who are employed in~~  
6 12 ~~this state as peace officers on January 1, 1978 until July 1,~~  
6 13 ~~1978, or to peace officers of other jurisdictions exercising~~  
6 14 ~~their legal duties within this state.~~

6 15 Sec. 8. Section 724.11, Code 2009, is amended to read as  
6 16 follows:

6 17 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

6 18 ~~Applications for permits~~ An application for a permit to  
6 19 carry weapons, ~~if made,~~ shall be made to the sheriff of the  
6 20 county in which the applicant resides. Applications from  
6 21 persons who are nonresidents of the state, or whose need to go  
6 22 armed arises out of employment by the state, shall be made to  
6 23 the commissioner of public safety. In either case, the  
6 24 issuance of the permit shall be by ~~and at the discretion of~~  
6 25 the sheriff or commissioner, who shall, before issuing the  
6 26 permit, determine that the requirements of sections ~~724.6 to~~  
6 27 ~~724.8 through~~ 724.10 have been satisfied ~~and the person is not~~  
6 28 ~~otherwise prohibited by state or federal law from possessing~~  
6 29 ~~or transporting a firearm. However, the training program~~  
6 30 ~~requirements in section 724.9 may be waived for renewal~~  
6 31 ~~permits.~~ The issuing officer shall collect a fee of ~~ten~~ fifty  
6 32 dollars, except from a duly appointed peace officer or  
6 33 correctional officer, for each permit issued. Renewal permits  
6 34 or duplicate permits shall be issued for a fee of five  
6 35 dollars. The issuing officer shall notify the commissioner of  
7 1 public safety of the issuance of any permit at least monthly  
7 2 and forward to the commissioner an amount equal to two dollars  
7 3 for each permit issued and one dollar for each renewal or

7 4 duplicate permit issued. All such fees received by the  
7 5 commissioner shall be paid to the treasurer of state and  
7 6 deposited in the operating account of the department of public  
7 7 safety to offset the cost of administering this chapter. Any  
7 8 unspent balance as of June 30 of each year shall revert to the  
7 9 general fund as provided by section 8.33.

7 10 Sec. 9. Section 724.5, Code 2009, is repealed.

7 11 EXPLANATION

7 12 This bill relates to the carrying of weapons.

7 13 Current law provides that a person who goes armed with a  
7 14 dangerous weapon concealed on or about the person, or who,  
7 15 within the limits of any city, goes armed with a pistol or  
7 16 revolver, or any loaded firearm of any kind, whether concealed  
7 17 or not, or who knowingly carries or transports in a vehicle a  
7 18 pistol or revolver, commits an aggravated misdemeanor unless  
7 19 certain circumstances apply including if the person has in the  
7 20 person's possession a valid permit to carry weapons. The bill  
7 21 eliminates this provision and provides that a person who goes  
7 22 armed with a dangerous weapon with the intent to commit a  
7 23 crime of violence commits a class "D" felony regardless of  
7 24 whether the dangerous weapon is concealed or not concealed on  
7 25 or about the person and regardless of whether the dangerous  
7 26 weapon is transported in a vehicle. For purposes of the bill,  
7 27 "crime of violence" means a felony which has, as an element of  
7 28 the offense, the use of physical force by one person against  
7 29 another person. A class "D" felony is punishable by  
7 30 confinement for no more than five years and a fine of at least  
7 31 \$750 but not more than \$7,500.

7 32 The bill eliminates the requirement that a person,  
7 33 including a person employed in a certain occupation whose  
7 34 employment reasonably justifies that person going armed with a  
7 35 dangerous weapon, must have and carry a professional or  
8 1 nonprofessional permit to carry a weapon and makes it optional  
8 2 to apply for and receive such permits. However, if a person  
8 3 applies for either permit, the issuing officer (sheriff or  
8 4 commissioner of public safety) shall issue the permit if  
8 5 certain requirements are met. Such permits shall be issued  
8 6 for a five-year period at a cost of \$50. If a person chooses  
8 7 to apply for a professional or nonprofessional permit to carry  
8 8 weapons, the person is required to complete a firearm training  
8 9 program conducted by a private individual or a professional  
8 10 organization who shall conduct the training consistent with  
8 11 the standards set forth by the national rifle association.

8 12 The bill also repeals Code section 724.5 relating to a  
8 13 person's duty to carry a weapons permit if the person goes  
8 14 armed with a revolver, pistol, or pocket billy concealed upon  
8 15 the person, currently a simple misdemeanor.

8 16 LSB 1922XS 83

8 17 rh/rj/5